

Appl. No.: 10/049,479
Amd. Date November 13, 2006
Reply to Office Action Dated: July 14, 2006

REMARKS/ARGUMENTS

Applicant would like to thank the Examiner for the careful consideration given the present application and for indicating that the application includes allowable claims. The application has been carefully reviewed in light of the Office action and amended as necessary to more clearly and particularly describe the subject matter which applicant regard as the invention.

Claims 20, 21, 30 and 33 have been amended.

Claims 21-33 stand rejected under 35 U.S.C. 101 for being directed to non-statutory subject matter. Independent claims 21 and 33 have been amended and now recite in part, “a receiving/storage program installed on a general-purpose computer...” Computer programs embodied in a tangible medium are patentable subject matter under 35 U.S.C. § 101. See *In re Beauregard*, 53 F.3d 1583 (Fed. Cir. 1995). When a computer program is recited in conjunction with a physical structure, the claim should be treated as a product claim. See MPEP § 2106.IV.B.1.(a). Claims 21 and 33 have been amended to recite a program in conjunction with a physical structure and, therefore, the rejections of these claims should be withdrawn. Claims 22-32 depend from claim 21 and, therefore, the rejections of these claims should also be withdrawn.

Claims 1-4, 8-10 and 20 stand rejected under 35 U.S.C. 102(e) as being anticipated by Nishi et al. (U.S. patent application publication number 2003/0031459). Claim 1 recites in part, “storage regions exclusively available to a specific storage channel...” Nishi does not teach or suggest the noted limitation. Nishi teaches memory regions 4111, 4112, 4113, 4114 and 4115 corresponding to a program attribute. See Fig. 2 and paragraph [0031]. The program attributes are descriptive of the program contents and can include information such as a company name (see paragraph [0035]), drama or soccer (see paragraph [0040]), or the name of a famous person (see paragraph [0043]). Nishi’s attributes do not teach or suggest storage *channels*, which correspond to transmission channels for receiving a broadcast. Therefore, Nishi fails to teach or suggest all of the limitations of claim 1. For at

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least this reason, claim 1 is allowable over Nishi. Claims 2-4 depend from claim 1 and, therefore, are also allowable over Nishi.

Claim 8 recites in part, “a storage channel management section for managing storage channels, a reservation processing section for making reservation processing to receive information on storage channels...” As discussed above with respect to claim 1, Nishi’s attributes do not teach or suggest storage *channels*. Therefore, Nishi fails to teach or suggest all of the limitations of claim 8. For at least this reason, claim 8 is allowable over Nishi. Claims 9 and 10 depend from claim 8 and, therefor, are also allowable over Nishi.

Claim 20 recites in part, “said information transmitter transmits service configuration information describing at least...software necessary for use of storage channels, contract information concerning use of storage channels...” As discussed above with respect to claim 1, Nishi’s attributes do not teach or suggest storage *channels*. Furthermore, Applicant’s attorney has thoroughly reviewed the Nishi reference and can find no teaching of contract information concerning the use of storage channels. Therefore, Nishi fails to teach or suggest all of the limitations of claim 20. For at least this reason, claim 20 is allowable over Nishi.

Claim 14 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Nishi in view of Craig (U.S. patent number 5,790,176). Claim 14 depends from claim 8. For the reasons discussed above with respect to claim 8, claim 14 is allowable over Nishi in view of Craig.

Claims 21-23 and 33 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Nishi in view of Grimsrud et al. (U.S. patent number 6,862,657). Claim 21 recites in part, “said receiving/storage program makes the general-purpose computer to work as a storage channel management section for managing storage channels, a reservation processing section for making reservation processing to receive information on storage channels...” As discussed above with respect to claim 1, Nishi’s attributes do not teach or suggest storage *channels*. Therefore, Nishi fails to teach or

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suggest all of the limitations of claim 21. Grimsrud also fails to teach or suggest storage channels as recited in claim 21. Therefore, Nishi in view of Grimsrud fails to teach or suggest all of the limitations of claim 21. For at least this reason, claim 21 is allowable over the cited combination of references.

Claims 22 and 23 depend from claim 21 and, therefore, are also allowable over Nishi in view of Grimsrud.

Claim 33 recites in part, “transmitting service configuration information describing at least...software necessary for use of storage channels, contract information concerning use of storage channels...” As discussed above with respect to claim 1, Nishi’s attributes do not teach or suggest storage *channels*. Furthermore, Applicant’s attorney has thoroughly reviewed the Nishi reference and can find no teaching of contract information concerning the use of storage channels. Grimsrud also fails to teach or suggest the noted limitations. Therefore, Nishi in view of Grimsrud fails to teach or suggest all of the limitations of claim 33. For at least this reason, claim 33 is allowable over the cited combination of references.

Claim 27 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Nishi in view of Craig (U.S. patent number 5,790,176) in further view of Grimsrud. Claim 27 depends from claim 21. For at least the reasons discussed above with respect to claim 21, claim 27 is also allowable.

Claims 5-7, 11-13 and 15-19 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. Claims 5-7 depend from claim 1, which, as discussed above, is allowable over Nishi. Claims 11-13 and 15-19 depend from claim 8, which, as discussed above, is also allowable over Nishi. Therefore, the objections to claims 5-7, 11-13 and 15-19 should be withdrawn.

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview

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with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. 34392.

Respectfully submitted,

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